

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

L'ORÉAL S.A. and L'ORÉAL USA, INC., )  
Plaintiffs, )  
v. ) C.A. No. 12-99-GMS  
MERCK AND CO., INC., )  
MERCK SHARP & DOHME CORP. and )  
MSD CONSUMER CARE, INC., )  
Defendants. ) **JURY TRIAL DEMANDED**

**STIPULATED DISMISSAL AS TO DEFENDANTS MERCK AND CO., INC. AND  
MERCK SHARP & DOHME CORP., AND AMENDING CASE CAPTION**

Plaintiffs L'Oréal S.A. and L'Oréal USA, Inc. (collectively "L'Oréal" or "Plaintiffs"), and Defendants' Merck and Co., Inc. ("Merck"), MSD Consumer Care, Inc ("MSDCC") and Merck Sharp & Dohme Corp. ("MSD Corp.") (collectively, "Defendants"), subject to the approval of the Court, stipulate as follows:

1. The Plaintiffs agree to dismiss defendants Merck and MSD Corp. without prejudice.
2. The dismissal of Merck and MSD Corp. is without prejudice to the Plaintiffs moving the Court in the future to add one or both of them as defendants after the commencement of discovery.
3. Nothing in this stipulation should be interpreted as affecting Plaintiffs' rights to seek discovery of MSDCC, nor should it be interpreted as affecting Plaintiffs' rights to seek discovery of Merck or MSD Corp. as third parties.
4. MSDCC agrees that MSDCC learned of the complaint in this lawsuit naming its parent Merck as a defendant as of January 27, 2012.

5. The case caption should be amended to read "L'Oréal S.A. and L'Oréal USA, Inc v. MSD Consumer Care, Inc."
6. Merck and MSD Corp. withdraw the Motion to Dismiss Plaintiffs' First Amended Complaint, D.I. 13, without prejudice.

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Dated: August 15, 2012  
1070885/38763-001

So Ordered this \_\_\_\_ day of \_\_\_\_\_, 2012.

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United States District Court Judge